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| APPLICATION NO. FILI                   |      | LING DATE  | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |  |
|--|------|------------|----------------------|-------------------------|------------------|--|
| 09/714,524 11/17/2000                  |      | 1/17/2000  | Alain Charpentier    | P06983US00/RFH          | 5323             |  |
| 881                                    | 7590 | 05/06/2003 |                      | ,                       |                  |  |
| LARSON &                               |      | -          | EXAMINER             |                         |                  |  |
| 1199 NORTH FAIRFAX STREET<br>SUITE 900 |      |            |                      | KEBEDE, BROOK           |                  |  |
| ALEXANDRIA, VA 22314                   |      |            |                      | ART UNIT                | PAPER NUMBER     |  |
|  |      |            |                      | 2823                    | Q                |  |
| •                                      |      | •          | •                    | DATE MAILED: 05/06/2003 | 7                |  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Applicatin No.   Applicatin No.   Applicant(s)   Oct   |  |  |  |   | <del></del>   | an                |  |  |  |
|--|--|--|--|---|---|-------------------|--|--|--|
| Examiner    | •  |  | Applicati ı  | n No.   |   |                   |  |  |  |
| Brook Kebede   2823  | •  | _  | 09/714,524   | ļ   |   | Γ AL.             |  |  |  |
| Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  2 Eduminos for many by a validate under the provision of 3 CFR 1.136(a). In no event, however, may a reply be timely filled after 5X (b) MONTHS from the maling date of the communication.  3 Eduminos for may by a variable under the provision of 3 CFR 1.136(a). In no event, however, may a reply be timely filled after 5X (b) MONTHS from the maling date of the communication.  4 The prior of timely a specified some, the making date of prior of the communication of the prior which the set of restriction of the prior of the p |  | Offic Action Summary   | Examiner   |   | 1   |                   |  |  |  |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  after SIX (9) MONTHS from the mailing date of this communication.  If the period for reply specified solve is less than thing (0) days, a reply within the attackey infimum of think (50) days, will be considered timely.  If the period for reply specified solve is less than thing (0) days, a reply within the attackey infimum of think (50) days will be considered timely.  If the period for reply specified solve is less than think (0) days, a reply will be proposed to reply a specified solve the period for reply will, by attacke, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office atter than the tree monitors after the maining date of this communication, even if timely filled, may reduce any seamed patient term adjustment. See 37 CFR 1.7046).  Status  1) Responsive to communication(s) filled on 12 February 2003.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) is/are rejected.  7) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 and 120  13) Acknowledgment is made of a claim   |  |  |  |   |   | drass             |  |  |  |
| THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be without work the provision of 3° CFR 1.73(o), in no event, however, may a reply be timely filled after 50 (o) MOSTINS from the mailing date in the mailing of the ma | Period for   | Reply  |  |   |   | M1 699            |  |  |  |
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## **DETAILED ACTION**

## Election/Restrictions

- Restriction to one of the following inventions is required under 35 U.S.C. 121:
   Group I, Claims 10-15, drawn to Method for Measuring Thickness of a Layer, classified in class 438, subclass 16.
  - Group II, Claims 16 and 17, drawn to Apparatus (Device) for Measuring Thickness of Layer, classified in class 250, subclass 309+.
- 2. The inventions are distinct, each from the other because of the following reasons:
- 3. Inventions Group I and Group II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process of Group I can be performed by apparatus (device) which is equipped with infrared laser (IR) to measure the thickness of the layer being processed.
- 4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 5. Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 6. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

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currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## Correspondence

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brook Kebede whose telephone number is (703) 306-4511. The examiner can normally be reached on 8-5 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (703) 306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Brook Kebede

May 2, 2003

W. David Coleman

Primary Examiner